

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Performance Energy Services, LLC, a)	
Colorado limited liability company,)	
)	ORDER
Plaintiff,)	
)	
vs.)	
)	Case No. 1:24-cv-246
Tesoro High Plains Pipeline Company,)	
LLC, a Delaware limited liability company,)	
)	
Defendants.)	

Plaintiff initiated the above-captioned action with the filing of a Complaint on December 6, 2024. (Doc. No. 1). Rule 4(m) of the Federal Rules of Civil Procedure establishes the time frame in which service of the summons and Complaint must be effectuated. Specifically, it provides:

If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against defendant or order that service be made within a specified time. But if plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m); see also Kurka v. Iowa Cty., 628 F.3d 953, 957 (8th Cir. 2010) (“A showing of good cause requires at least ‘excusable neglect’—good faith and some reasonable basis for noncompliance with the rules.” (quoting Adams v. AlliedSignal Gen. Aviation Avionics, 74 F.3d 882, 887 (8th Cir. 1996))).

Plaintiff’s original deadline to serve Defendants with the Complaint was March 6, 2025. Fed. R. Civ. P. 4(m). On motion by Plaintiff, the court extended this deadline May 6, 2025. (Doc. No. 6).

On May 1, 2025, Plaintiff requested to further extend its deadline to serve Defendants with the Complaint until August 4, 2025, to allow more time for settlement negotiations. (Doc.

No. 7). The court granted Plaintiff's motion and extended the deadline to August 4, 2025. (Doc. No. 8).

On July 16, 2025, Plaintiff filed a motion requesting the court further extend the deadline to October 3, 2025, so the Parties can continue to engage in settlement discussions. (Doc. No. 9).

For good cause shown, the court **GRANTS** Plaintiff's motion (Doc. No. 9). Plaintiff shall have until October 3, 2025, to serve Defendant with the Complaint.

IT IS SO ORDERED.

Dated this 17th day of July, 2025.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court